

REMARKS

The Office examined claims 1-20 and rejected claims 1, 4-12 and 15-20. With this paper, various of the claims are amended, none are canceled, and no new claims are added, so that claims 1-20 remain in the application.

Changes to the claims

Claim 1 is changed to make more clear that the steps recited are performed by the device hosting the application for which a decision is made as to whether to establish a network connection. Support is provided by Fig. 2 (step 23b and 24) and the corresponding description at page 11, lines 11-21.

Claim 5 is changed to make express that as part of the process of the device deciding whether to establish the connection, a request is made (e.g. by an AT command interpreter or an IP stack within the device) of a network resource controller of the device for permission to establish the connection (on behalf of the application). Support is Fig. 2 (step 22) and the corresponding description at page 11, lines 5-8.

Also, claim 12 is corrected to indicate that the request recited there is the request recited in claim 8.

Rejections under 35 USC §102

At section 2 of the Office action, claims 1-5, 7-12, and 14-20 are rejected under 35 USC §102 as being anticipated by U.S. Pat. App. Pub. No. 2002/0168960 (hereinafter Jacobson).

All of the pending independent claims--namely claims 1 and 8--are so rejected.

As to claims 1 and 8, claim 1 is to a method for use by a device in establishing a network connection on behalf of an

application hosted by the device, including: a step of obtaining information about currently active cellular network systems (which may include information about connections currently in use), and a step of deciding whether to allow establishing the connection based on factors including the information about currently active cellular network systems. The information about connections currently in use may include identifiers for applications using the connections currently in use. The factors can also include the identity of the application making the request and the identities of the applications using connections currently in use, so as to make the decision as to whether or not to allow establishing the connection after taking into account the importance and type of the different applications contending for the network resources (connections). Claim 8 is a corresponding claim to a mobile terminal.

The Office relies on pars. [0011]-[0014] as disclosing the recited step of deciding whether to allow establishing a network connection based on factors including information about currently active cellular network systems, noting that at the cited location, Jacobson discloses that "after [a] mobile is registered in the current system, the system provides the mobile with its corresponding parameters in order to be able to work in the current system, where the mobile is stationed." At the cited locations, Jacobson discloses a mobile station subscribed to an ANS-41 system roaming to a region where communication is provided by a GSM system, and presenting itself to the GSM system, which uses the services of an IIF (Interoperability/ Interworking Function) to authenticate the mobile station. Once the mobile is authenticated, the GSM system provides telecommunication service to the mobile.

Applicant respectfully submits that a mobile terminal signalling a (telecommunication) system to request service (to be

able to communicate via cellular communication through the telecommunication system) and being authenticated (via an IIF), and then being provided service, cannot fairly be asserted as encompassed by a step of deciding whether to allow establishing a network connection based on factors including information about currently active cellular network systems. Jacobson discloses only a system granting service (providing a connection) based on whether a mobile is authenticated. There is no taking into account factors including information about currently active cellular network systems.

Further, the decision made in the recited step is made by the mobile, on behalf of an application hosted by the mobile. In claim 8, the limitation that the mobile decides whether to establish the connection on behalf of an application hosted by the mobile is clearly recited in the body of the claim. This limitation is also recited in claim 1, in the preamble. In order to avoid any question as to whether the preamble is to be given weight, and to thus expedite prosecution, applicant here amends claim 1 to recite in the body of the claim that it is the device hosting the application on whose behalf a network connection may or may not be made that decides whether to allow the network connection (depending on factors as recited in the claim).

As to claims 5 and 12, the Office relies on pars. [0011]-[0015] as disclosing the limitations of these claims, and in particular, for disclosing that the factors also include a respective identifier for the application (for which a decision is being made as to whether to establish a connection) and the identifiers for applications using the connections currently in use. Applicant respectfully submits that Jacobson nowhere teaches either a system or a device hosting an application taking into account the identity of an application requesting a connection and also the identities of applications using the connections

currently in use, in deciding whether to establish a connection for the application requesting the connection. Jacobson teaches only authenticating a mobile, and granting service (establishing a connection for the mobile) if the authentication goes through. The Office is presumably equating the identity of the mobile, on the basis of which the mobile is authenticated, to the identity of the application for which a connection is requested. Applicant respectfully submits that with claim 1 as amended here, and giving due weight to the language of claim 8 as filed, such an equation cannot stand. But even if the Examiner is of a mind to insist on such an equation, applicant respectfully submits that Jacobson cannot fairly be said to also take into account identifiers for applications using the connections currently in use. Jacobson simply nowhere mentions any other devices/ applications except that being authenticated.

Accordingly, applicant respectfully requests that the rejections under 35 USC §102 of claims 1, 5, 8 and 12 be reconsidered and withdrawn, and also the rejections of the other claims so rejected and not argued, in view of their dependencies.

Rejections under 35 USC §103

At section 4 of the Office action, claims 6 and 13 are rejected under 35 USC §103 as being unpatentable over Jacobson (presumably as applied to claims 1 and 8) in view of U.S. Pat. No. 5,752,193 (Scholefield et al.).

Claims 6 and 13 (both) recite as a limitation that the factors used by the device in deciding whether to establish the network connection include the maximum amount of concurrent packet switched data allowed by the connections currently in use. Applicant agrees with the Examiner that Jacobson does not teach taking into account such a factor, but applicant disagrees that the combined teachings of Jacobson and Scholefield are encompassed

by such a limitation. As noted above, Jacobson does not disclose a device deciding whether to establish a connection on behalf of an application within the device, let alone doing so taking into any of various factors. Jacobson teaches only a system authenticating a mobile, and if the authentication goes through, then providing service. So even if the teachings of Scholefield are taken into account, there is no combined teaching of a device deciding whether to establish a connection on behalf of an application within the device, let alone doing so taking into any of various factors, let alone factors including the maximum amount of concurrent packet switched data allowed by the connections currently in use.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 be reconsidered and withdrawn.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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Date

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